

Message Text

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60

ACTION EUR-12

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 5750

INFO USMISSION BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 16475

E.O. 11652: GDS

TAGS: PGOV, WB, US, UK, FR, UR, GW

SUBJECT: SOVIET PROTEST ON CONSULAR LAW

REF: A) STATE 190902

B) BONN 13525

C) BERLIN 1454

D) BERLIN 1429

1. AFTER LENGTHY CONSIDERATION OF SOME SEVEN DRAFTS
(INCLUDING US TEXT BASED ON BERLIN DRAFT) OF REPLY TO
SOVIET PROTEST, BONN GROUP HAS AGREED AD REF FOR RECOM-
MENDATION TO AUTHORITIES OF TEXT GIVEN BELOW.

2. BEGIN TEXT: IN REPLY TO YOUR ORAL COMMUNICATION OF
21 AUGUST ABOUT THE DRAFT FEDERAL LAW ON "CONSULAR
OFFICERS, THEIR DUTIES AND COMPETENCES," I HAVE BEEN
INSTRUCTED TO INFORM YOU OF THE FOLLOWING:

1. THE THREE WESTERN POWERS LONG AGO AUTHORIZED
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THE FEDERAL GOVERNMENT TO PERFORM CONSULAR SERVICES FOR

PERMANENT RESIDENTS OF THE WESTERN SECTORS OF BERLIN. IN PARTICULAR, THEY AUTHORIZED THE EXTENSION BY THE FRG TO THE WSB OF THE VIENNA CONVENTION ON CONSULAR RELATIONS OF APRIL 24, 1963. THIS AUTHORIZATION WAS GIVEN UNDER THE ESTABLISHED PROCEDURES AND SUBJECT TO APPROPRIATE RESERVATIONS BY THE ALLIED AUTHORITIES ENSURING THAT ALLIED RIGHTS AND RESPONSIBILITIES, IN PARTICULAR THOSE RELATING TO STATUS AND SECURITY, ARE NOT THEREBY AFFECTED.

2. THE SOVIET GOVERNMENT, FOR ITS PART, STATED IN THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971 THAT PROVIDED MATTERS OF STATUS AND SECURITY ARE NOT AFFECTED, IT WILL RAISE NO OBJECTION TO THE PERFORMANCE BY THE FEDERAL REPUBLIC OF GERMANY OF CONSULAR SERVICES FOR PERMANENT RESIDENTS OF THE WESTERN SECTORS OF BERLIN. IT IS THEREFORE CLEAR THAT THE NATURE AND EXTENT OF THE CONSULAR SERVICES WHICH THE FEDERAL REPUBLIC MAY PERFORM FOR PERMANENT RESIDENTS OF THE WESTERN SECTORS OF BERLIN IS LIMITED ONLY BY THE REQUIREMENT THAT THEY DO NOT AFFECT MATTERS OF STATUS AND SECURITY.

3. IN ACCORDANCE WITH ESTABLISHED PROCEDURES REAFFIRMED IN THE QA OF SEPTEMBER 3, 1971, THE ALLIED AUTHORITIES TAKE ALL NECESSARY STEPS WHEN AUTHORIZING ADOPTION IN BERLIN OF FEDERAL LAWS TO ENSURE THAT ALLIED RIGHTS AND RESPONSIBILITIES, IN PARTICULAR THOSE RELATING TO MATTERS OF STATUS AND SECURITY, ARE NOT THEREBY AFFECTED. IN THE PRESENT CASE THE AUTHORITIES OF THE THREE WESTERN POWERS DO NOT CONSIDER THAT THE DRAFT FEDERAL LAW IN QUESTION DEALING WITH THE DUTIES AND COMPETENCES OF CONSULAR OFFICERS OF THE FRG IS OF SUCH A NATURE AS TO AFFECT THE STATUS AND SECURITY OF BERLIN. IN THIS CONNECTION THEY WISH TO RECALL AND CONFIRM THE TERMS OF THE COMMUNICATION MADE TO YOUR EMBASSY ON 9 AUGUST 1974 ON "QUESTIONS OF NATIONALITY."

4. REGARDING THE USE OF THE TERM "LAND BERLIN" IN LEGISLATION OF THE FRG, THE THREE POWERS REAFFIRM THEIR POSITION AS SET OUT IN THEIR COMMUNICATION OF FEBRUARY 22, 1973.

5. THE ALLIED AUTHORITIES CONSIDER THAT, FOR THE CONFIDENTIAL

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REASONS GIVEN, THE ADOPTION IN BERLIN OF THE DRAFT FEDERAL LAW ON CONSULAR OFFICERS WOULD BE ENTIRELY COMPATIBLE WITH THE PROVISIONS OF THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971. END TEXT.

3. ACTION REQUESTED. EMBASSY RECOMMENDS DEPARTMENTAL APPROVAL OF ABOVE TEXT FOR DELIVERY BY CHAIRMAN POLAD

IN BERLIN AS ORAL STATEMENT. HILLENBRAND

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